



MINUTES

Of A

REGULAR COUNCIL MEETING

July 12, 2012

The City Council of the City of Longview, Texas, met in a Regular Session, July 12, 2012, at 5:30 P.M. in the Council Chambers of the Jo Ann Metcalf Municipal Building. Mayor Jay Dean presided.

Members present were:

Jay Dean
John Sims
Gary Smith
Kasha Williams
Wayne Frost

Members absent were:

Richard Manley

Sidney Allen

Staff members present were:

David Willard, City Manager
Chuck Ewings, Assistant City Manager
Mary Ann Miller, Assistant to the City Manager
Shelly Ballenger, City Secretary
Jim Finley, City Attorney
Kevin Cummings, Director of Development Services
Keith Bonds, Director of Public Works
Karri Hyko, Director of Human Resources
J.P. Steelman, Fire Chief
Don Dinger, Police Chief

I. CALL TO ORDER – Mayor Jay Dean called the meeting to order.

II. INVOCATION – Ashton Wagner with Girl Scout Troop #1565 gave the invocation.

III. PLEDGE OF ALLEGIANCE – Girl Scout Troop #1565 (Ashton Wagner, Victoria Pennington, Jamie Hooper, McKinley Rhodes, Michael Sanches, Lissa Sanches, Stephanie Rhodes, Janet Wagner) and their Leader, Melda Carter led the pledge of allegiance.

IV. CITIZEN COMMENT –

Victoria Wilson, 607 E. Melton, Longview, thanked Mayor Dean, Mr. Willard, Ms. Williams and Council Members for the opportunity and privilege of being a Longview citizen in district three. She also congratulated Detective Hewitt for being an extraordinary example and being very committed to our community while serving in the Longview Police Department. She went on to say, with all the lightning strikes and the weather that we recently had, we have an extraordinary group of city workers to serve the citizens. She wanted to specifically talk about the public works department. They were extremely helpful to her with bulk pickup and the loss of one of her trees. City inspectors have had to come to her home due to a lightning strike to inspect electricity and her air conditioning. She wished to thank them for stepping over the line to help her and for being so kind. She feels really pleased that people come out when you call them. For example Ms. Williams responded immediately when she called her about a terrible tree on Noel. Fire Department responded to that call also and she feels that they do not get enough praise. She is hopeful that anyone watching in the community will feel free to call and let the mayor, councilmen and the city know that we have extraordinary staff that keeps this community together. Lastly, with her grandson's come and go summer camp she wants to give a special thank you to Officer Roger Askew, Chief Dingler, and the gentleman they call Papa (Commissioner Mathis). She feels the police academy is wonderful and some go out there to volunteer without pay. She feels they should be commended also.

Vik Verma, 505 Danville Rd. #206, Kilgore, wanted to make a brief announcement. He went on to say, tomorrow evening here in Longview on Amy Street, the new Longview Mosque will be having their open house. It will be from 4 p.m. to 6 p.m. It will be an opportunity for folks to come and meet neighbors of a different faith. He wanted people

to know that tomorrow also happens to be the beginning of Ramadan. He hopes people will attend and grow in our diversity.

Lawrence Horne, 2008 W. Street, Longview, had a complaint. He stated that he was approached by officers that told him and some church members that they were violating city code ordinance (for noise). He stated that he had a copy of the ordinance and that he was indeed over the 100 feet that the ordinance suggested. He also stated that he was given a citation at this time. He felt this was very unfair and asked the mayor and or Council to speak with the Longview police department.

Mayor Dean informed Mr. Horne that this is a civil matter. He asked him if maybe a neighbor called the police to complain about the noise.

Lawrence Horne replied that he asked all neighbors and they were not responsible for the call.

Mayor Dean assured him that he would leave it with the legal firm and have his complaint checked out.

V. PRESENTATION ITEM –

Presentation of a 20 year service award to Detective Eric Hewitt –

Don Dingler, Police Chief: Detective Hewitt began his law enforcement career with the Longview Police Department in 1992. Eric worked in Patrol, and was an FTO, Street Crimes, served as a Hostage Negotiator and a Recruiting Officer for the Training Division. Eric went into the Criminal Investigations Division in 2001 and has worked in the Crimes against Persons and Crimes against Property Sections. He is currently assigned to Technical Investigations where he investigates juvenile cases. Detective Hewitt received the Rookie of the Year Award and was selected Detective of the Year for 2003. Eric is a highly motivated professional employee. He concluded his speech by saying, congratulations on your 20 years of dedicated service to the citizens of Longview. He then presented him with a plaque and a certificate of appreciation.

Detective Hewitt wanted to thank Chief Dingler for hiring him in 1992. He also wanted to thank the police department for becoming his family and friends and making it such a wonderful place to work. He stated that he enjoys doing his job for the citizens of Longview and concludes saying that it is an honor.

VI. CONSENT AGENDA –

A. Consider a Resolution accepting the 2011 Wastewater Systems Improvements Project and authorizing final payment in the amount of \$39,093.92 to McKinney and McMillan LLC, Jacksonville, Texas –

Keith Bonds, P.E. Director of Public Works: Consider a resolution accepting the 2011 Wastewater System Improvements Project and authorizing final payment in the amount of \$39,093.92 to McKinney and McMillen, LLC, Jacksonville, Texas. Approval of final payment will begin the contractor's one-year warranty period.

The City Council awarded a contract to McKinney and McMillen on August 11, 2011 in the amount of \$383,761.60. The final construction cost is \$338,043.52.

The scope of work includes the construction of 3,600 linear feet of 8" sewer main and related work at Eagle Hill Trail, Orchard Drive, Webster, Butler, Houston, and Tuttle Blvd and miscellaneous work as necessary to complete the installations.

The project has been completed in accordance with the contract. The consultant, Wood Engineering, recommends acceptance of the project and approval of the final payment. Staff concurs with the recommendation. Funding is available from the Wastewater Collection Divisions Operations and Maintenance Budget.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROJECT KNOWN AS "2011 WASTEWATER SYSTEM IMPROVEMENTS PROJECT"; AUTHORIZING AND APPROVING FINAL PAYMENT TO MCKINNEY & MCMILLEN, LLC, OF JACKSONVILLE, TEXAS, FOR CONSTRUCTION OF SAID PROJECT; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 4477 appears in the Resolution and Ordinance records of the City of Longview.

B. Consider a Resolution awarding a contract in the amount of \$304,668.25 and authorizing the City Manager or his designee to execute any necessary documents with Haltom Construction of Marshall, Texas for the 2012 Bridge & Culvert Improvements Project

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Keith Bonds, P.E. Director of Public Works: Consider a resolution awarding a contract in the amount of \$304,668.25 and authorizing the City Manager or his designee to execute any necessary documents with Haltom Construction of Marshall, TX, for the construction of the referenced project. The following proposals were opened on June 27, 2012:

Bidders	Bid Amount
Haltom Construction Marshall, TX	\$ 304,668.25
Longview Bridge & Road Longview, TX	\$ 305,508.75
East Texas Bridge Longview, TX	\$ 417,710.00

The scope of work includes the reconstruction and/or replacement of culvert pipe, wing walls, aprons, and related work at Page Road and Eastman Lake Creek, Cotton Street and Eastman Lake Creek, H. G. Mosley and Grace Creek, H. G. Mosley at Harris Creek and Eden at Oakland Creek and miscellaneous work as necessary to complete the installation.

The consultant, Freese and Nichols, has examined the bids and the qualifications of the low bidder, and it is recommended that the City award the contract to Haltom Construction of Marshall, TX, in the amount of \$304,668.25. Staff concurs with the recommendation. Funding is available from the Drainage CIP Fund.

The following Resolution was approved:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LONGVIEW, TEXAS, ACCEPTING THE BID OF
HALTOM CONSTRUCTION OF MARSHALL, TEXAS, FOR
THE CONSTRUCTION OF THE PROJECT ENTITLED
“2012 BRIDGE & CULVERT IMPROVEMENTS**

PROJECT”; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND HALTOM CONSTRUCTION FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 4478 appears in the Resolution and Ordinance records of the City of Longview.

C. Consider an Ordinance adopting a revised purchasing policy for the City of Longview –

Jaye Latch, Purchasing Manager: This item is requesting a revision to the purchasing policy. These changes are intended to clarify the City of Longview Purchasing Policy. The following is a summary of proposed changes of the purchasing manual.

On page 11 of the policy wording was added to further clarify the use of cooperative purchasing when making purchases \$3,000.00- \$50,000.01. Three quotes are required unless a Historically Underutilized Business in the local area is not available and unless no local vendors are available.

On page 12, item 9 wording was deleted requiring departments to send copies of informal bids/proposals greater than \$3,000.00 but less than \$50,000.01 to the Purchasing Division. Departments are still required to keep all documentation concerning their purchases.

On page 12 wording was added to satisfy Longview Transit’s TxDot audit. TxDot requires that they be notified of the intent to purchase for all transit related purchases over \$25,000.00.

Wording was added on page 24 stating that anytime a Sole Source purchase is made, a sole source justification letter must be on file either in the department or in the purchasing office.

The following Ordinance was approved:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ADOPTING AN UPDATED AND REVISED PURCHASING MANUAL FOR THE CITY OF LONGVIEW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; PROVIDING A SAVINGS CLAUSE; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Ordinance No. 3821 appears in the Resolution and Ordinance records of the City of Longview.

- D. Consider a Resolution authorizing and directing the City Manager to execute a mutual aid radio frequency access agreement with the West Harrison Volunteer Fire Department for the purpose of improved inter-agency communications –**

J.P. Steelman, Fire Chief: Consider a Resolution to allow the City of Longview to establish a Mutual Aid Radio Frequency Access Agreement with the West Harrison VFD that would allow for improved inter-agency radio communications for emergency response activities. Staff recommends approval of a Mutual Aid Radio frequency Access Agreement with the West Harrison VFD for the purpose of improving inter-agency radio communications for emergency response activities.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE A MUTUAL AID RADIO FREQUENCY ACCESS AGREEMENT BETWEEN THE CITY OF LONGVIEW AND WEST HARRISON

VOLUNTEER FIRE DEPARTMENT FOR IMPROVING INTERAGENCY EMERGENCY COMMUNICATION; CONDITIONING SAID AUTHORIZATION ON THE RECEIPT OF ALL NECESSARY DOCUMENTS IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; FINDING THAT THE MEETING AT WHICH THE RESOLUTION WAS APPROVED COMPLIED WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Such Resolution No. 4479 appears in the Resolution and Ordinance records of the City of Longview.

- E. Consider a Resolution authorizing and directing the City Manager to execute an interlocal agreement with Kilgore College for the purpose of leasing a reserve fire engine/pumper for conducting various firefighter training/certification courses –**

J.P. Steelman, Fire Chief: Allow the City of Longview to renew an interlocal agreement with Kilgore College that would allow Longview Fire Department to lease a reserve Fire Engine/Pumper for the purpose of conducting Basic Firefighter Training and other Firefighter Certification Courses. Approval of a resolution authorizing staff to renew an interlocal agreement with Kilgore College for the purpose of leasing a reserve Fire Engine/Pumper for the purpose of conducting Basic Firefighter Training as well as other Firefighter Certification Courses.

The following Resolution was approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LONGVIEW AND KILGORE COLLEGE FOR THE PURPOSE OF LEASING A RESERVE FIRE ENGINE/PUMPER FOR CONDUCTING VARIOUS FIREFIGHTER TRAINING/CERTIFICATION COURSES; CONDITIONING SAID AUTHORIZATION ON THE RECEIPT OF ALL NECESSARY DOCUMENTS IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; FINDING THAT THE MEETING AT WHICH THIS

**RESOLUTION WAS APPROVED COMPLIED WITH THE
OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND
PROVISIONS RELATED TO THE SUBJECT; AND
DECLARING AN EFFECTIVE DATE.**

Such Resolution No. 4480 appears in the Resolution and Ordinance records of the City of Longview.

MOTION: Council Member Frost made a motion to approve the Consent Agenda.

SECOND: Council Member Sims seconded the motion.

VOTE: The motion carried unanimously (5, 0)
Council Member Williams was out of the Chamber.

VII. Zoning – Public Hearing Items

- A. A PUBLIC HEARING will be held to consider application #Z12-05 filed by Jim Fisher & Associates Inc. requesting a rezone from Single Family (SF-2) to Single Family (SF-4) for approximately 1.552 acres of Abstract 186 of the Delores Sanchez Survey, Tract 46, Section 8 and approximately 4.5 acres of Abstract 66 of the William Engle Survey, Tract 5 located on the southwest corner of Graystone Road & McCann Road –**

Michael Shirley, AICP, City Planner: THIS ITEM REQUIRES A PUBLIC HEARING. A PUBLIC HEARING will be held to consider application #Z12-05 filed by Jim Fisher & Associates Inc. requesting a rezone from Single Family (SF-2) to Single Family (SF-4) for approximately 1.552 acres of Abstract 186 of the Delores Sanchez Survey, Tract 46, Section 8 and approximately 4.5 acres of Abstract 66 of the William Engle Survey, Tract 5 located on the southwest corner of Graystone Road & McCann Road. Planning & Zoning Commission and Staff recommend approval.

The public hearing was declared open.

Roger Caviness, 1601 Judson Road, representing Jim Fisher and Associates, was present and available for questions.

The public hearing was declared closed.

MOTION: Council Member Frost made a motion the following Ordinance be approved:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY 1.552 ACRES OF ABSTRACT 186 OF THE DELORES SANCHEZ SURVEY, TRACT 46, SECTION 8 AND APPROXIMATELY 4.5 ACRES OF ABSTRACT 66 OF THE WILLIAM ENGLE SURVEY, TRACT 5 LOCATED ON THE SOUTHWEST CORNER OF GRAYSTONE ROAD & MCCANN ROAD BE REZONED FROM SINGLE FAMILY (SF-2) TO SINGLE FAMILY (SF-4); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

SECOND: Council Member Sims seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Ordinance is No. 3822 and appears in the Resolution and Ordinance records of the City of Longview.

- B. A PUBLIC HEARING will be held to consider application #PD12-08 filed by Branch Creek Developers requesting to rezone approximately 7.148 acres of AB 186 D Sanchez Survey Tract 37 Section 6 from Single Family (SF-4) to Planned Development Single Family Detached located on the south side of Fenton Road –**

Michael Shirley, AICP, City Planner. THIS ITEM REQUIRES A PUBLIC HEARING. A PUBLIC HEARING will be held to consider application #PD12-08 filed by Branch Creek Developers requesting to rezone approximately 7.148 acres of AB 186 D Sanchez Survey Tract 37 Section 6 from Single Family (SF-4) to Planned Development Single Family Detached located on the south side of Fenton Road. Planning & Zoning Commission (7-0) with David Wood abstaining and Staff recommend approval. James Varner was absent.

The public hearing was declared open.

There was no one in the audience to speak on this item.

The public hearing was declared closed.

MOTION: Council Member Sims made a motion the following Ordinance be approved:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY 7.148 ACRES OF AB 186 D SANCHEZ SURVEY TRACT 37 SECTION 6 LOCATED ON THE SOUTH SIDE OF FENTON ROAD BE REZONED FROM SINGLE FAMILY (SF-4) TO PLANNED DEVELOPMENT SINGLE FAMILY DETACHED (PD12-08); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF

THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

SECOND: Council Member Williams seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Ordinance is No. 3823 and appears in the Resolution and Ordinance records of the City of Longview.

- C. A PUBLIC HEARING will be held to consider application #PD12-09 filed by Richard Henson requesting to rezone Lot 10, Block 2, Broadmoor Subdivision from Planned Development Office to Planned Development Multi-family located on the northwest corner of Fairmont Street and McCann Road –**

Michael Shirley, AICP, City Planner. THIS ITEM REQUIRES A PUBLIC HEARING. A PUBLIC HEARING will be held to consider application #PD12-09 filed by Richard Henson requesting to rezone Lot 10, Block 2, Broadmoor Subdivision from Planned Development Office to Planned Development Multi-family located on the northwest corner of Fairmont Street and McCann Road. Planning & Zoning Commission (5-2) with Keene Guidry and Kimberly Fish in opposition and Staff recommend approval. Wayne Noon abstained and James Varner was absent.

Council Member Allen: Is it a requirement to lower the density?

Michael Shirley: Yes, we are lowering the density. Planned development is based on an approved sight plan so it does require an amendment to that planned development.

Council Member Frost: How far off of McCann is that access?

Michael Shirley: The access is not the best and it is not a great location for access. It is better to have the access come off of Fairmont than McCann.

The public hearing was declared open.

Richard Henson, 204 Morning Star, Longview Stated he is available to answer any questions.

Dennis Rand, 803 E. Fairmont, Longview: I have the adjacent property to that on Fairmont. I am here today because I feel it is going to be a traffic safety issue. When you are coming out of where they are going to have their driveway, if there are two or three cars there you will not be able to make a left hand turn. So especially during rush hour it is always going to be a right turn only. If you are trying to turn south you would have to cross over that lane. People come down Fairmont pretty quick and people turning on there from McCann making a left hand turn, are usually going pretty quick. Anybody who's ever been on that street corner, especially during rush hour, it is pretty tough. You are putting ten parking spaces, four units with maybe two cars per unit. That is approximately eight people coming and going from there on a daily basis. I feel there is a potential traffic hazard. Someone could get hit going in or out. That is my biggest concern.

Councilman Frost: Would a particular time of day warrant a no left turn sign?

Dennis Rand: That would definitely be advantageous both in the morning and the evening. The driveway that I use for my property is 150 feet from that street corner. When you make that turn you better have your blinker on because somebody is right up on you. It is pretty treacherous.

Councilman Frost: Could something like that be helped?

Michael Shirley: Certainly Council can add any conditions to approval that they wish. It is something Council can consider concerning the signage.

Mayor Dean: When this went before P&Z did this come up?

Michael Shirley: Yes, they did discuss the traffic issues. It is a difficult situation with no good answer. With McCann being under TXDOT standards, they are not going to issue a driveway permit. The only other alternative is to have something on Fairmont.

Mayor Dean: We could put a stipulation in like that. It is hard to enforce. You could put something but I don't know if it is really going to affect anything. People are going to do what they are going to do. We are going to call the next speaker and discuss this some more.

Charles Phillip, 1503 McCann Road, Longview,: We have the adjacent property to the north. What I would like to point out to the city is prior before I purchased my property, the city installed sewer overflow relief drains. It is for the backup for the main line somewhere underneath McCann Road. When we notice drainage coming out of these relief drains we call the city. With your new units that would require four new connections to that sewer line. I am concerned about what is going to happen about that.

Richard Henson: I am the developer off this property. We will update the utilities if they are not adequate. The location is high traffic. The access in and out of the drive is terrible. But the property has been vacant. It has been at the planned development office since 1983. You can't just let it sit there and not develop it. It is a vacant lot with terrible access but the zoning I am proposing is less intense than the office use that it is currently zoned for.

Keith Bonds: We have discussed the traffic and utility issue. It is an empty lot. As for the sewage, it doesn't go from south to north. The sewage runs from north to south down McCann.

Mayor Dean: So the back-up problem that Mr. Phillip is referring to, is it due to the fact that maybe there is some issue with the infrastructure on that particular lot?

Keith Bonds: No, I would assume the main would have a clog in it. There are some restaurants there that the issue could be coming from if he has ever had to clean out his front yard. I will be glad to look into it, clean the line out, televise it and try to find out what is wrong with it.

Mayor Dean: Mr. Henson just said that if this is approved and we put a facility there that engineering would have to approve the infrastructure. I have Mr. Phillip's address. Can you go back and review how many times this has happened and see if we are making progress as far as correcting the problem?

Keith Bonds: Yes

Councilman Allen: If you limit the left hand turn to the ones who want to go south, maybe they will use LaVista Drive. I do not know if the people who live there will want that extra traffic going down their street.

Mayor Dean: The traffic backs up on McCann to the west so they are not going to have any easier time turning down LaVista.

Keith Bonds: One thing we can do is visit with TXDOT and show them the situation and see if they would be willing to allow an additional access. Having two accesses may alleviate some problems.

Councilman Allen: I think it is very important to find some way to develop this property because it has been sitting there for many years.

The public hearing was declared closed.

MOTION: Council Member Allen made a motion the following Ordinance be approved:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT LOT 10 BLOCK 2 OF THE BROADMOOR SUBDIVISION LOCATED ON THE NORTHWEST CORNER OF FAIRMONT STREET AND MCCANN ROAD BE REZONED FROM PLANNED DEVELOPMENT OFFICE TO PLANNED DEVELOPMENT MULTI-FAMILY (PD12-09); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

SECOND: Council Member Frost seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Ordinance is No. 3824 and appears in the Resolution and Ordinance records of the City of Longview.

Mayor Dean: I want to add a condition that no left turn during peak traffic hours.

Jim Finley: Why don't we reopen the question with a motion and a second and then the person that made the motion can add that condition and we can vote on it.

Mayor Dean: We will reopen it and the motion was made by Mr. Allen.

Councilman Allen: We need to made a motion that we approve the stipulation that the left hand turn not be allowed, that it will be restricted.

Jim Finley: What we could do is go with how it was approved. It would be the responsibility of the department. The more I think about it, we could treat it like a traffic control device that that department will handle.

Mayor Dean: So do we still need to make a motion?

Jim Finley: I don't think so at this point. You have approved it. Once the development goes in Keith will need to go out there.

Mayor Dean: We will communicate this with you. Mr. Bonds, we will communicate that with Mr. Rand.

D. A PUBLIC HEARING will be held to consider application #PD12-10 filed by Longview Christian School requesting to rezone approximately 7.214 acres of AB 129 of the H. McNutt Survey Tract 28 & AB 262 of the A. Jordan Survey Tract 17 Section 4 from Single Family (SF-4) to Planned Development for a private school and a daycare located at 1236 Pegues Place –

Michael Shirley, AICP, City Planner. THIS ITEM REQUIRES A PUBLIC HEARING. A PUBLIC HEARING will be held to consider application #PD12-10 filed by Longview Christian School requesting to rezone approximately 7.214 acres of AB 129 of the H. McNutt Survey Tract 28 & AB 262 of the A. Jordan Survey Tract 17 Section 4 from Single Family (SF-4) to Planned Development for a private school and a daycare located at 1236 Pegues Place. Planning & Zoning Commission (7-0) with Keene Guidry abstaining and Staff recommend approval. James Varner was absent

The public hearing was declared open.

There was no one in the audience to speak on this item.

The public hearing was declared closed.

MOTION: Council Member Williams made a motion the following Ordinance be approved:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY 7.214 ACRES OF AB 129 OF THE H. MCNUTT SURVEY TRACT 28 & AB 262 OF THE A. JORDAN SURVEY TRACT 17 SECTION 4 LOCATED AT 1236 PEGUES PLACE BE REZONED FROM SINGLE FAMILY (SF-4) TO PLANNED DEVELOPMENT FOR A PRIVATE SCHOOL AND A DAYCARE (PD12-10); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

SECOND: Council Member Frost seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Ordinance is No. 3825 and appears in the Resolution and Ordinance records of the City of Longview.

E. A PUBLIC HEARING will be held to consider application #PD12-11 filed by Longview Regional Medical Center requesting to amend PD41, PD48 and PD03-7 to allow for expansion and remodel of a hospital and medical offices located at 2901 North 4th Street –

Michael Shirley, AICP, City Planner. THIS ITEM REQUIRES A PUBLIC HEARING. A PUBLIC HEARING will be held to consider application #PD12-11 filed by Longview Regional Medical Center requesting to amend PD41, PD48 and PD03-7 to allow for expansion and remodel of a hospital and medical offices located at 2901 North 4th Street. Planning & Zoning Commission and Staff recommend approval

The public hearing was declared open.

Jim Kendrick, Chairman of Longview Regional: Longview and this whole area is blessed to have the kind of healthcare that it has for our citizens. We want to add to that and basically double the campus. We want to continue to upgrade healthcare for the people in this area.

Mayor Dean: Can you tell us what size project this is?

Jim Kendrick: Well Mayor, it will double the size of the campus on the east and west end. We are moving out and up. We are changing the entrance off of Medical Circle Drive. The Entrance will no longer be off of Fourth Street. Over 230 beds will now be all private. We are expanding and creating more physician offices on campus so they will be closer to the patients while they are in the hospital.

The public hearing was declared closed.

MOTION: Council Member Frost made a motion the following Ordinance be approved:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT PD41, PD48 AND PD03-7 BE AMENDED TO ALLOW FOR THE EXPANSION AND REMODEL OF A HOSPITAL AND MEDICAL OFFICES LOCATED AT 2901 NORTH 4TH STREET (PD12-11); FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

SECOND: Council Member Williams seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Mayor Dean: I just want to make one other comment. We are blessed to have two really great hospitals in our community, both that continue to improve and enhance the quality of our healthcare. I am particularly excited about, in visiting with the CEO of Longview Regional, is that local contractors will be used for the project.

Such Ordinance is No. 3826 and appears in the Resolution and Ordinance records of the City of Longview.

VIII. Action Items

A. Consider a Resolution appointing a Mayor Pro Tem –

Mayor Dean: This is the time of year that we elect a Mayor Pro Tem. The way this is done is we rotate from seat to seat. The selection is made depending on one, has the person served or not served. The second consideration is if they have not served, are they the senior member to anyone else that has not served. So if we move down the line from Mr. Manley, Mr. Allen has served and Mr. Sims has served. Ms. Williams, the seat if you are agreeable to accept the role as Mayor Pro Tem, it is your turn

Council Member Williams: Yes.

MOTION: Mayor Dean made a motion the following Resolution be approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ELECTING AND APPOINTING COUNCILWOMAN KASHA WILLIAMS AS MAYOR PRO TEM; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

SECOND: Council Member Allen seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Resolution is No. 4481 and appears in the Resolution and Ordinance records of the City of Longview.

B. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to enter into a contract with Cima Solutions Group in the amount of \$64,447.50 for the purchase of Google Apps for Government –

Chuck Ewings, Assistant City Manager: The current email system is aging and will require a significant investment in the coming years. We have also begun having reliability issues with the server reducing staff productivity.

Google Apps for Government not only replaces our current email system with a proven leader, Google, but it also provides productivity, collaboration, and mobile tools. Google Apps for Government is a complete set of tools that include email, calendars, file storage, document editing, sites, and archiving. All of this is available from any device, anywhere, in a secure environment.

Additionally, we expect significant savings in the near term and future. We have savings this year by not paying over \$17,000 for our Groupwise maintenance fee and we will discontinue use of our Blackberry service saving \$2,500. We will reduce the maintenance of an email server and future replacement at a cost of approximately \$20,000.

The potential improvement in productivity is difficult to measure financially, but we do expect this will allow staff to better communicate and collaborate utilizing all the tools available.

Council Member Smith: How long is it going to take to get the Google application into play?

Chuck Ewings: It will take about sixty days once this contract is executed.

Council Member Williams: I read the information that you sent us. I want to commend staff for really taking the time to put together a proposal that showed us the hard and the soft savings over a five year period. Google is so important. It has swept across the country. I am excited that our city is getting on board. I think that will definitely improve our efficiency.

MOTION: Council Member Williams made a motion the following Resolution be approved:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROPOSAL OF CIMA SOLUTIONS GROUP OF LEWISVILLE, TEXAS, FOR PROVIDING CLOUD HOSTED EMAIL, DOCUMENTS, AND COLLABORATION TOOLS FOR THE CITY OF LONGVIEW VIA GOOGLE APPS FOR GOVERNMENT; AUTHORIZING AND DIRECTING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY FOR SAID SERVICES; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE COMPETITIVE PURCHASING REQUIREMENTS IN SOLICITING AND ACCEPTING SAID PROPOSAL; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED

**COMPLIED WITH THE REQUIREMENTS OF THE TEXAS
OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND
PROVISIONS RELATED TO THE SUBJECT; AND
DECLARING AN EFFECTIVE DATE.**

SECOND: Council Member Smith seconded the motion.

VOTE: The motion carried unanimously (6, 0).

Such Resolution is No. 4482 and appears in the Resolution and Ordinance records of the City of Longview.

IX. Items of Community Interest

Council Member Smith: The City of Longview gave a proclamation to Womack High School and they send their thanks and gratitude. Also the Longview Police Department has a home security program. It includes checking locks, doors and windows at your home. It is free of charge. Call your police station or your local par office to get that information. I also want everyone to know that I have office hours now. They are on Tuesday and Thursday from 3:00 to 4:00. You can call Judy in the city manager's office to schedule an appointment.

Council Member Williams: I want to encourage everybody to participate in the NAACP prayer breakfast in lieu of the banquet this year. It will be Saturday August 4th at 8:30 a.m. It is ten dollars to attend. I also want to add their will be a ribbon cutting tomorrow at Longview Museum of Fine Arts at 11:30 a.m. I would like to share something with you that I was asked to read. It reads: "Take care of the south side. I am a citizen of Longview and I have lived here since 1980. I am not happy with how the south side is being taken care of. We pay taxes too. I used to work for the City of Longview myself for a combined total of thirteen years. I know how everything should be taken care of. It is a shame and disgrace how it looks and when you call and complain you don't get a response". It is signed by Ennis McAllister of Longview. Mr. McAllister if you are listening, myself, the Mayor, and the Council Members remain committed to the entire City of Longview. We passed a bond last year for several upcoming projects, which include streets and sidewalks. We are aware there are lots of streets that need constant repair. We are working to make sure that we take care of those issues. An example is Iron Bridge Creek. The city has been there on three different occasions and has repaired that. Water and sewer replacements are ongoing. Public Works has graciously agreed to go out when called. I just want to ensure Mr. McAllister change takes time and we are on it. Thank you for your letter and I will be contacting you.

Council Member Frost: I read something about a sanitation truck driver contest. One of our woman drivers, Chris Hudson has won for our city. Congratulations Mrs. Hudson.

Council Member Allen: This weather has been wonderful. Today was 78 degrees and last year at this time it was 103. I have sympathy for people that are burning up in other parts of the country but we sure are enjoying our weather here in Longview, Texas.

Mayor Dean: We want to recognize Longview Ambucs 2 and especially Carmella Davis. It is quite a cost for our annual fireworks display. It is now funded and organized by Ambucs 2. I know the cost used to be in the neighborhood of \$40 or \$50,000. Mrs. Davis has worked like a Trojan horse on so many great projects for the City of Longview and here is another example. The firework festival this year was fabulous. Thank you to Ms. Davis and the Longview Ambucs 2 organization. After recent storms the Longview Sanitation Department encourages residents to call their offices to schedule bulky item pick up. The volume of limbs this week has grown substantially. They are out all day everyday picking them up. Please call and schedule your pickup. It will be on a first come first serve basis and they are working overtime to ensure all appointments are taken care of. Also the compost site will open between now and July 20th for residents as well as Longview businesses. The Great Texas Balloon Race is July 23rd through July 29th. This year's race is part of the U.S. National Championships.

X. Executive Session Item

Deliberations Regarding Real Property — Under TEX. GOV'T CODE Section 551.072.

Consideration of the purchase and value of real property located in the Hamilton McNutt Survey, A-129.

City Council may reconvene in public session for action on the above items discussed in a closed meeting or executive session.

There was no action taken on this item.

XI. Adjourn

The meeting was adjourned at 6:25 p.m.

[seal]

Shelly Ballenger
City Secretary

